

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

CIVIL RIGHTS CENTER OF SOUTH
DAKOTA; MICHAEL HUNTER; and
UNBORN PERSONS,

Plaintiffs,

vs.

TWO JOHN DOE UNKNOWN NAMED;
SECRETARY DEPT OF
TRANSPORTATION FOR
STATE OF SOUTH DAKOTA
AND FOR NORTH DAKOTA; and
STATE OF SOUTH DAKOTA,

Defendants.

CIV 19-5038

ORDER DISMISSING
COMPLAINT

Plaintiff, Michael Hunter, filed a Complaint, Doc. 1, which listed as the Plaintiff, "Civil Rights Center of South Dakota, Michael Hunter, and Unborn Persons." Along with the Complaint, Plaintiff filed a Motion to Proceed *in forma pauperis*, with an attached Affidavit, Doc. 3. Plaintiff does, according to the Affidavit, qualify to proceed *in forma pauperis*.

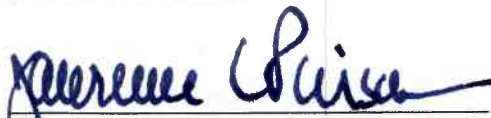
Next, the Court conducts a screening of the Complaint. In the subsequent screening of this action, which is brought under 42 U.S.C. § 1983, the Complaint fails to state a claim upon which relief may be granted. Even though the Court, in reviewing the Complaint, is mindful that Plaintiff does not allege to be learned in the law, and that a pro se complaint, "however, inartfully pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers," the Court concludes that, in weighing all factual inferences in favor of Plaintiff, it appears "beyond doubt that the [P]laintiff can prove no set of facts in support of his claim which would entitle him to relief." *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1971). Accordingly,

IT IS ORDERED:

1. That Plaintiff's Motion to Proceed *in forma pauperis*, Doc. 3, is GRANTED.
2. That Plaintiff's Complaint, Doc. 1, is dismissed without prejudice for failure to state a claim.

Dated this 9th day of May, 2019.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:

MATTHEW W. THELEN, CLERK

